

**PARKS AND CULTURAL AFFAIRS COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Parks and Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **May 11, 2005**.

**MEMBERS PRESENT:**

Leg. Jay H. Schneiderman, Chairman  
Leg. Lynne C. Nowick, Vice•Chairperson  
Leg. Cameron Alden  
Leg. Angie Carpenter  
Leg. Jon Cooper  
Leg. William J. Lindsay

**ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Ronald F. Foley, Commissioner of Parks  
Jill Moss, Budget Review Office  
Charles Bender, Aide to PO's Office  
Ben Zwirn, Assistant Deputy County Executive  
Frank Tassone, Aide to Majority Leader  
Eric Brown, Aide to Leg. Schneiderman  
Greg Moran, Aide to PO's Office  
Kevin LaValle, Aide to Leg. Losquadro  
Paul Perillie, Aide to Minority Caucus  
Vito Minei, Director of Division of Environmental Quality, Health Department  
Ed Hogan, Aide to Leg. Nowick  
Terry Pearsall, Aide to Leg. Lindsay  
Jim Morgo, Commissioner of Workforce Housing and Economic Development

Bill Hillman, DPW

Jacqueline Caputi, Assistant County Attorney

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

**(THE MEETING COMMENCED AT 10:24 AM)**

**CHAIRMAN SCHNEIDERMAN:**

Legislators for Parks and Cultural Affairs please report to the horseshoe. We are about to begin.

I would like to call this meeting to order of the Parks and Cultural Affairs Committee. I'd like to ask you all to rise and join us for the Pledge of Allegiance led by Legislator Cooper.

**(SALUTATION)**

**CHAIRMAN SCHNEIDERMAN:**

I've been asked by one of my colleagues on the Legislature who has to leave here early if we can move the agenda first. She doesn't want to miss any votes. I do have four cards, but they are •• the topic on each one of them has to do with an item that is not in front of us in terms of our votes today. So, what I would like to do is call the agenda first and then move back to the public portion, if that would be okay with the committee.

Now, there may be some items on this agenda that people are here to address and please let me know by raising your hand at that point and then I can either call you forward •• I know that our Parks Commissioner is here, our Economic Development Commissioner is here. Vito Minei from Water Quality is here, too. So if any other public officials need to respond •• Ben Zwirn from the County Executive's Office as well.

Let's go right to tabled resolutions. I am going to start with resolution **2342**. This is **amending the adopted 2005 Operating Budget to transfer funds from the 477 Water Quality Protection, amending the 2005 Capital Budget Program, and appropriating funds in connection with parking lot improvements at Meschutt County park**. I'd like to make a motion to approve that.

**LEG. CARPENTER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor?

**LEG. ALDEN:**

Just on the motion.

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**LEG. ALDEN:**

477 really wasn't designed to do parking lot improvements, I don't believe. I don't believe the paving on this should come under 477. If the Legislature chooses to do it, fine, but that •• that's a capital project that should have been in. If the pavement is breaking up or if it needs new catch basins or something like that, that's under normal maintenance and normal schedule. You don't raid a 477 account. There is so much work to be done in Suffolk County to protect water where children can play in, where people might even be drinking it, then to go and fool around with a parking lot I just see as a raid on the 477 account.

**CHAIRMAN SCHNEIDERMAN:**

Right. It's my understanding it's the only parking lot changes are those that directly relate to repairing the parking lot after drainage structures are put in to catch storm water, you know, for environmental purposes. But the Park Commissioner, Ron Foley, is here and I think that he can provide further clarification on that issue. Mr. Foley?

**LEG. ALDEN:**

It's for my benefit •• if everybody else has their mind made up you don't have to waste your time.

**CHAIRMAN SCHNEIDERMAN:**

No, I think the record needs to be clarified.

**LEG. LINDSAY:**

Let's hear what he has to say.

**COMMISSIONER FOLEY:**

That's a series of pictures. Well, they shouldn't be split up. They are not all the same one. It is a series of pictures that shows that this is really a drainage problem. The condition of the parking lot isn't superb, but it doesn't really need repaving except for the erosion caused by the direct runoff, the direct runoff that is polluting the bay. It's really a drainage problem.

This whole thing started with us attempting to deal with the erosion off the edge of the parking lot, which you can see in those photographs in a small way. We and DPW agreed that the small approach wasn't going to work, it needed something bigger. It turned into a water quality project. The only paving that is necessary is that to be done to close the project back up once the drainage is cured. And Bill Hillman has photos of the proposed project that you're seeing and we can answer any questions. This really is a drainage project, not a pavement project.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

As a clarification, I don't challenge the validity of the project. I challenge the validity of the funding and using the 477. This, to me, this should be a capital improvement account. If not, maybe using pay-as-you-go money if that would be appropriate because sometimes the life of these, when you do them on a barrier beach, is very short in nature. So if that would be the case, I would more than welcome a resolution that would use either cash to pay for this, which is the most economically feasible and the softest way we can do it for the people in Suffolk County, or through the Capital Program.

I really don't like to use •• there is a finite amount of money in the 477 account. It's not infinite, and I don't like to use that on major projects like •• of this nature. So that's just •• I don't doubt the validity. I want to repeat that.

**COMMISSIONER FOLEY:**

Just to get you completely up•to•date, we're also applying for a state grant to offset half the cost of this. We're, you know, trying to minimize the impact on whatever funding we use. And it is not a short term project in the way something that is subject to direct shore erosion would be. That's not the case here.

**MR. HILLMAN:**

If I might.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Lindsay.

**LEG. LINDSAY:**

Fellows, maybe •• I see the plans here, maybe you could explain to me how this project is going to improve water quality.

**MR. HILLMAN:**

Sure. Bill Hillman, Chief Engineer, DPW. Similarly to roadway projects where we remove direct discharges to improve water quality, this is an identical process. We have essentially four direct discharges from the parking lot into surface waters. And we are removing those direct discharges into the surface water and putting the discharge into a retention basin so it no longer •• we will no longer have direct discharges from the parking lot into surface waters. They will be retained in a retention pond which will have particular types of grasses and landscapes, landscaping, to remove and treat the water.

So, it •• in my eyes and I believe in DPW's eyes this is an appropriate use of water quality monies. It's essentially the same application as a roadway project that is removing a discharge. It's just applied to a parking lot.

**LEG. LINDSAY:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any further questions? I have one question in terms of procedure. Has this gone before the Water Quality Committee that ••

**COMMISSIONER FOLEY:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

That Commissioner Bartha Chairs?

**COMMISSIONER FOLEY:**

It has, yes, and been approved by them, yes.

**CHAIRMAN SCHNEIDERMAN:**

And it was approved. And is this on the •• I guess the Peconic Estuary Program list as a project or was there •• isn't, Mea, correct me if I am wrong, isn't there another statutory requirement that this be listed somewhere?

**MS. KNAPP:**

The 477, the Water Quality Program, requires in the Charter that the projects undertaken be those that are recommended by either the South Shore Estuary Program, the Peconic Estuary Program, or the Long Island Sound Study people.

I have in an opinion issued with Budget Review jointly opined that a broad reading of that is possible in that a specific project does not have to be specifically recommended. However, it has •• a project has to fall somewhere within the recommendations made by one of those three groups.

**COMMISSIONER FOLEY:**

I believe this went through the same process ••

**CHAIRMAN SCHNEIDERMAN:**

Vito might be best qualified to answer this, Mr. Minei, who's been intricately involved with the

Peconic Estuary Program. Intimately involved? Not too intimate.

**MR. MINEI:**

Thank you. Vito Minei, Director of Environmental Quality for the Health Department and Program Director for the Peconic Estuary Program. Number one, it is consistent with the recommendations of the Peconic Estuary Program with regard to controlling storm water runoff into the estuary. I think you know Meschutt County Park is on the south shore of Great Peconic Bay, so that's consistent.

Just to quickly get to Legislator Alden's concern. I have been on the Water Quality Committee since its inception, and a number of these issues come up with regard to roadway and storm water runoff projects in terms of some of the town requests that have been made for quarter percent. And some of those, too, entail roadway work as the Chief Engineer, Mr. Hillman, talked about with regard to this project.

So, number one, it's consistent, and we have deliberated quite a bit on the committee as to whether or not some of these requests are indeed compatible with the water quality goal, so town projects also have roadway improvements involved in a storm drainage issue. So, number one, that's consistent.

Number two, you can debate the size of the Meschutt project in terms of the overall storm water runoff issue into the Peconic. We also on the committee felt it was a good signal to send the towns as well the State DOT with regard to storm water. So on that issue, it also meets any threshold we had at the committee. But in general, we're being consistent with other storm water projects we're considering.

**LEG. ALDEN:**

Mr. Chairman, can I respond?

**CHAIRMAN SCHNEIDERMAN:**

Sure. Legislator Alden.

**LEG. ALDEN:**

When I drafted this legislation years ago, this 477 account, we envisioned it, the Legislators

that were here at that point as additional type of work to protect the welfare and health of people in Suffolk County. Not to take a responsibility that Suffolk County already has to do something in the proper manner to protect people's interests and their lives and their health. So, we didn't envision redoing parking lots in an environmentally friendly job because we already had that responsibility and that should be part of our capital program and that should be every time we submit a project, that should be one of the considerations that we use in Suffolk County. Are we limiting the exposure of people to carcinogens and things that can pollute their •• or affect their well•being, affect their lives and the lives of the children that live here. So, that's our responsibility anyway.

The 477 account was something that we envisioned at that time reaching out above and beyond what we normally do as County government and cleaning up waters that weren't going to be cleaned up so all the partnerships that you just mentioned with local governments and the State, and even the federal government on some of their highways where they weren't going to do that. They weren't going to provide that type of extra filtration for the water. That's what the 477 account was envisioned at. It's not an infinite amount of money.

And as matter of fact, if you consider all the resolutions that we passed recently, we've pretty much made that money evaporate or it's down to a trickle. Plus, we've established some programs now, we're going forward, more and more of that money goes to fixed costs. For instance, I believe we did pass 1185, which actually saved jobs but it put those jobs into this 477 account. Now, that's an obligation that the 477 account has to pay for those jobs going forward so that money is not available to do bricks and mortar type of clean ups and extra type of clean ups that we had envisioned when we first •• when I first crafted this and when we first passed this legislation.

So, while what you are saying is true, this will lead to water quality, but so should every project that Suffolk County considers doing. We shouldn't do it in an unfriendly or an unsafe manner. This 477, then this is a debate, I guess, that, you know, we'll have to take up at some other time because we're not going to have any money left in this account very, very shortly if we have enough to do this. But whether we wanted to do extra work, whether we wanted to reach out and find those extra portions where a road run•off was hitting a lake or it was hitting a stream or some other place where our drinking water was endangered where normally normal Suffolk County operations and government operations wouldn't have taken of that.



That's my major point on this. I'm not saying that this isn't valid. I'm not saying that this isn't going to protect water, that it's not going to protect a body of water that is being polluted by run-off, but we shouldn't be polluting bodies of water anyway, and that should be our normal course of business.

**MR. MINEI:**

No, I agree with you. I was just trying to emphasize that we took those considerations very seriously as well, and I think that was the main question that was posed to both Parks and DPW, is a million dollar project, \$900,000 dollars of a repair of a parking lot you were going to do in any event. When we felt comfortable that indeed it was directly related to the storm water run-off, then the committee as a whole felt very comfortable and then I think you have to also include what the Commissioner said with regard to trying to secure other funding. It always looks good whenever I'm involved in grant applications of showing the commitment of the County with regard to these kinds of projects. But again, I agree with your overarching concern.

**LEG. ALDEN:**

But, Vito, here's my problem, too. Now, when I come to you next year or the year after and I say, you know, I've got a project where I can clean up a stream, and then I'm told by Budget Review well, sorry, Cameron, we don't have any money for that because we spent it on a parking lot. We spent it on other worthy projects, but now we don't have the money to do that project, which would have been an extra.

**CHAIRMAN SCHNEIDERMAN:**

I think the point's made and I want to call the vote on this. I know Legislator Nowick has to leave in a few minutes. I would like her to be here to vote on some of the other things before us.

I want to call the vote on 2342. We can continue this discussion at a later date. It's a philosophical, but I think it's an important one as to how we're going to spend those funds. 2342, is there a motion to approve?

**LEG. NOWICK:**

We made it.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion and a second already. Okay. All in favor? Any opposed?

**LEG. ALDEN:**

Abstain.

**CHAIRMAN SCHNEIDERMAN:**

One abstention, Legislator Alden. **(Vote: 5/0/1/0 Abstention: Legislator Alden)**

**1185•05 Amending the 2005 Operating Budget to take proactive steps necessary to mitigate trickle•down effect of federal reductions to Workforce Investment Act (WIA) Program and implementing smart government principles to perform necessary County functions.**

**LEG. LINDSAY:**

We already did that. We did that at the last meeting.

**MS. KNAPP:**

A CN.

**CHAIRMAN SCHNEIDERMAN:**

That was done by CN. Thank you.

**1261•05 (Authorizing the use of two baseball fields at Lake Ronkonkoma County Park by the National Junior Baseball League).** Oh, these were all done. Okay.

**(Resolutions 1185•05, 1261•05, 1262•05 and 1263•05 were discharged by petition at the April 5, 2005 general meeting and adopted).**

That brings us to **1328•05 To establish a Signage Program for all County Environmental Preservation Projects.** This is Caracciolo's bill. I think ••

**LEG. NOWICK:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion.

**LEG. COOPER:**

Explanation.

**LEG. ALDEN:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Counsel.

**MS. KNAPP:**

1328 would require the Parks Department I believe •• it was amended. Originally it was Public Works and it has now been Parks. It would require that environmental preservation acquisitions carry a sign, at least five feet by three feet and the sign should say this property has been permanently preserved by the County of Suffolk. And the sign should also include the total number of acres of the property that has been acquired.

There is a provision in here that says that it shall not include the names of any elected or appointed officials, and the Parks Department is charged with the responsibility of putting signs on these acquisitions going forward. It does not require them to go back and do it.

**LEG. LINDSAY:**

And it doesn't have Mike Caracciolo's name on it.

**CHAIRMAN SCHNEIDERMAN:**

What size are the signs?

**MS. KNAPP:**

Five feet by three feet.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, Legislator Alden. I'm not sure we had a second. I heard a motion. Just for the record ••

**LEG. CARPENTER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Okay. It was seconded by Legislator Carpenter. On the motion, Legislator Alden.

**LEG. ALDEN:**

Was there a purpose identified? Because I can think of something that can happen. When you identify public property, it's almost like come in here and abuse us. You know, come and dump your garbage because this owned by a governmental entity. Come in and ride your trail bike and rip it apart. That type of thing.

**LEG. LINDSAY:**

I think you're right.

**CHAIRMAN SCHNEIDERMAN:**

Interesting question. Legislator Nowick.

**LEG. NOWICK:**

Not that I can speak for Legislator Caracciolo, but when he spoke to this issue, he felt that in any other area that you go to in any other state that parks that are owned by the County are •• there is a sign there so people know that the County •• this is what we're doing with your money, we take care of this park, we are the owners. And this the way he felt. Other counties do it. He sees it all over. He would like to see it here and that was what that was all about.

**LEG. ALDEN:**

Maybe there should •• you know, I'll speak to the sponsor of the bill. Maybe there should be a warning that, you know, if you dump on this property, if you trespass on this property, if you come in and ride your minibike or whatever it is, the all terrain vehicle on this, you are subject to arrest, imprisonment and huge fines. Something along those lines.

**CHAIRMAN SCHNEIDERMAN:**

Are you done with your comments, Legislator Alden?

**LEG. ALDEN:**

Pretty much, yeah.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Legislator Cooper.

**LEG. COOPER:**

I just want to echo what Legislator Alden just said. I know that we had a problem at Froelich Farms in my district, a very large acquisition. It's a nature preserve. And they've had signs up there for years identifying it as a County park, but it has done nothing to prevent problems with littering, abandoned cars being left on the property, etcetera. So we're now putting up new signs specifying that, number one, it's a nature preserve not a park, which was wrong in the beginning, but it has a whole list of prohibitions. No dogs off leash, no parking of vehicles, no hunting, etcetera, etcetera. And the hope is that this will actually do something to protect the parcel. So I think that if we are going to do this, I like the idea that Legislator Alden did, that the sign be more clear to list the prohibitions.

My other question is, are the number of signs that might be placed at a particular property based on the acreage? Because if it is one sign on a three acre parcel and one sign on a 300 acre parcel, that's sort of silly. I know that, once again, at Froelich Farms they have like eight signs up already. One sign wouldn't do anything.

**CHAIRMAN SCHNEIDERMAN:**

It also might be silly if you had a three by five sign on a one acre property or a quarter acre property.

**LEG. COOPER:**

There you go.

**LEG. CARPENTER:**

Actually I think •• excuse me •• if you read the bill, I think it is over ten acres. So it wouldn't be on a one acre or less. It's ten acres and larger.

**CHAIRMAN SCHNEIDERMAN:**

And it says only •• this is only new acquisitions. It doesn't apply to things the County already owns. I haven't spoken with the sponsor as to what the intent was, but I will say like when we preserve properties, we're using the public's money to preserve these properties. And the public in most cases has access to these properties and the general public might not even know it's a County property that they have access to, that they could go hiking or bird watching.

I think there is some validity in having a way to notify the public that this is publically owned. You see the private property signs everywhere. This is basically saying that this property belongs to you. This is the County's •• this is your property. Yeah, we spent your money. We're always taking credit but it's really •• it's their money we're spending, the taxpayer's money.

**LEG. COOPER:**

I make a motion to table. I really believe that this needs some fine tuning.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table. Is there a second on the motion to table?

**LEG. CARPENTER:**

On the tabling motion. I think that since this is prospective for future acquisitions, any fine tuning that you may need to do when you're implementing it can be done •• I think we should pass it. I think it's a good policy to let the public know that we're using taxpayer dollars to preserve, you know, open space and doing these acquisitions.

**LEG. COOPER:**

But •• excuse me. But doesn't the resolution specify the size of the sign and exactly what is going to be on the sign? And I think that we should have •• we have to give this some more thought because if we're acquiring a parcel like a nature preserve where you're not allowed to hunt, you're not allowed to operate vehicles, you're not allowed to dump, and further restrictions. This is not called out for that. So then we would need another sign for that adjacent to this four foot by five foot sign. Then that would be a waste of taxpayer dollars. So I'd •• the next meeting is in three weeks. Let's table this, see if we can ••

**CHAIRMAN SCHNEIDERMAN:**

County properties do fall into many categories. You know, some for active parkland, some as nature preserves.

**LEG. COOPER:**

Which is my point. And this is going to be one sign to try to fit it all and it doesn't make sense.

**CHAIRMAN SCHNEIDERMAN:**

It could be discharged without making a recommendation as well and we could ••

**LEG. ALDEN:**

That's okay. And then Mike can talk to us about it.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So, I'll make a •• well, we have motion to table. Was there a second on the motion table?

**LEG. ALDEN:**

I'll withdraw the tabling •• my second to the tabling motion, but with a discharge motion I'd support that.

**CHAIRMAN SCHNEIDERMAN:**

Discharge without a recommendation?

**LEG. ALDEN:**

Not an approval of it.

**LEG. NOWICK:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Okay. There's a motion to discharge without recommendation by Legislator Alden. Is there a second? I'll second it. All in favor? Any opposed? Okay. **Discharged without a recommendation. (Vote: 6/0/0/0).**

**1347•05 Authorizing use of Blydenburgh County Park by the Kidney and Urology Foundation for a 5K Walk.**

**LEG. ALDEN:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Okay. There's a motion to table at the request of •• actually I think the sponsor asked that it be tabled.

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There was a motion by Legislator Alden, a second by Legislator Kennedy.

All in favor?

**LEG. ALDEN:**

Kennedy's not here; right?

**CHAIRMAN SCHNEIDERMAN:**



Who did I say? I'm sorry. I'm sorry. Second by Carpenter, I think, it was.

**LEG. CARPENTER:**

I'll make it.

**CHAIRMAN SCHNEIDERMAN:**

Fine. All in favor? Any opposed? Okay, so **tabled. (Vote: 6/0/0/0)**

**Resolution 1382•05 Authorizing use of Gardiner County Park by Long Island Alzheimer's Foundation for its Pet Walk Fundraiser.**

**LEG. CARPENTER:**

This walk isn't until September and we're meeting in three weeks. I have some questions on this so I'm going to make a motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator Carpenter.

**LEG. ALDEN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Alden. Okay. All in •• any discussion? All in favor of tabling 1382? Any opposed? **1382 is tabled. (Vote: 6/0/0/0).**

Moving on to 1422, **(Appointing Howard B. Kleinberg as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 9)).**

I believe Mr. Kleinberg is here. I would like to at this point ask Mr. Kleinberg to step forward. You can sit at the table right there.

**LEG. CARPENTER:**

We'll bring the Commissioner up after, right?

**CHAIRMAN SCHNEIDERMAN:**

Yeah, we'll bring the Commissioner up after. Okay.

So, Mr. Kleinberg, you are interested in serving on the Vanderbilt Museum Commission?

**MR. KLEINBERG:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Can you please just give us little bit of your background and why you desire this possession?

**MR. KLEINBERG:**

Certainly. I am an attorney. I'm a partner at the law firm of Meyer, Suozzi, English and Klein, which has offices in Melville and in Mineola among others. My interest at this point with my career having reached a certain level of stability and relative success and my family life having reached the same I would like to think, I do have a desire to make a contribution to the community at large.

This is a unique opportunity to serve on the Suffolk County Vanderbilt Museum. It was brought to my attention by an existing board member, Mr. DeLuise of Dowling College, who recommended that I pursue this. I have a long-standing interest in museums, issues of cultural affairs and the arts. My wife is heavily involved in this subject matter and she has influenced me to become interested in it as well. She serves as Director of the Long Island Studies Department at Hofstra University. So, to make a long story short, I have a design desire to do good at this point in my career, I would like make a contribution. I think this is a unique and highly interesting opportunity and I would like to pursue it.

I think what you will get from me is a very high degree of responsibility, seriousness, energy and enthusiasm for the position. I'm not going to overextend myself. I'm not padding my resume or have a large number of things that I need to attend to at the same time. This is what I'm going to focus on and this is what I'm going to apply my strengths and energies to in the upcoming years.

**CHAIRMAN SCHNEIDERMAN:**

Before I go to questions from the committee, I just want to make sure that this individual, and I ask this of all these potential appointments, meets the statutory requirements under the County Charter for this position. This is one of those positions that do have some requirements for some civic or cultural affairs background. Legislative Counsel, if you could answer, or if you are not prepared to then we can come back to it.

**MS. KNAPP:**

One of the •• it's a personal commitment to public education or expertise in a subject matter reflected in the strength •• in the collection strength of the Vanderbilt including, but not limited to, history, natural history. And natural resources. To the extent that there is •• there is a section of the resume that talks about commitment to education, Cornell. Is it Cornell? You do some work for Cornell?

**MR. KLEINBERG:**

It is Cornell. I do an extensive amount of outreach work with Cornell having graduated there back in 1984, as well as •• I don't have a Ph.D. in history or in environmental issues or astronomy for that matter, but I do have a general interest and personal interest in history and historic preservation, which stems from my own work in renovating a home that is an 1875 second empire Victorian home that my wife and I have been restoring over the last ten years or so.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I just want to point out I graduated from Ithaca in '84, so we are from right around the same place.

**MR. KLEINBERG:**

I thought you looked familiar. If I could add one more item. Certainly any type of museum foundation, especially one that receives public financing, has a need for people with business acumen. I think I bring that to the table with 12 or 14 years of experience in commercial law. My firm and I represent •• and I have done particular work in representing non•profit in the child care area. So I think I have a reasonable sense of business savvy and I think the skills set to do this type of trustee work, especially in the areas of fundraising and business management. It's very similar analogously to running a law practice and developing business

for one's own law practice.

**CHAIRMAN SCHNEIDERMAN:**

All right. Let's go to questions. Legislator Cooper.

**LEG. COOPER:**

I had a question for Mr. Kleinberg. Welcome. Nice to meet you.

**MR. KLEINBERG:**

Thank you.

**LEG. COOPER:**

I see you provide an address for your law firm in Melville, but I don't see your home address. Are you a Suffolk County resident?

**MR. KLEINBERG:**

No. I live in Nassau County in Sea Cliff, New York, and I work in the Mineola office of the Meyer, Suozzi firm. But I did want to point out to the committee that our firm does have an office in Suffolk. It was a relatively new office that represents our interest in both serving and receiving business from the Suffolk County community. That's been open about two years. And all of the partners and other lawyers make use of the Suffolk County office. But I am a resident of Nassau.

**LEG. COOPER:**

But you actually work out of the Nassau office.

**MR. KLEINBERG:**

That's correct.

**LEG. COOPER:**

So •• because it was a little confusing seeing you list the Melville office as your office address if you actually live and work in Nassau County.

**MR. KLEINBERG:**

Well, I think it's important to present to the committee that the firm of which I am an owner has a presence in both counties and a commitment to both counties. We also have offices in New York City and Washington, D.C. and Albany for that matter as well.

**LEG. COOPER:**

This is perhaps a question for Counsel. Are there •• first of all, is there a requirement that a member of the Vanderbilt Board be a Suffolk resident and part two of the question is are there any other members to your knowledge that are not Suffolk County residents?

**MS. KNAPP:**

To answer part one, the residency requirement that's contained in the Suffolk County Code is not limited obviously to the Vanderbilt. We require basically that all •• all Suffolk County employees, and we include within that definition members of boards, be a resident of Suffolk County.

That being said, we have in the past defined residents, and I think quite rightly, as an office in the County of Suffolk, and that the one most recently that comes to mind, and I'm not sure if this man was actually appointed, I think he was, we had a lawyer that came before us within the last six months who was going to be a member of the commission that was established to study the problem of tax defaults. Russell Weber. Was he appointed? Do we know if that was passed?

**LEG. CARPENTER:**

Yes, he was.

**MS. KNAPP:**

Yes, okay. Mr. Weber was a resident. His home address was in Nassau County and he had offices located in Amityville. And I believe that, you know, both the County Attorney and myself would agree that having an office address does satisfy the requirement of the Code.

**LEG. COOPER:**

But my concern •• I mean, this is a little bit different from that in that although Meyer Suozzi has an office in Melville as well as perhaps LA and London and who knows where else, Mr. Kleinberg just testified that he does not work in Suffolk County nor reside in Suffolk County. He works and lives in Nassau County. So, based on what you just said about Suffolk law, I think

that that would prohibit him from serving on this board.

**MR. KLEINBERG:**

Well, if I could clarify that. I do use the Nassau County office as my primary office, but I do use the Suffolk County office on frequent occasions for meetings, depositions and the like. So, I could easily be said to work in the New York City office, which I spend a fair amount of time in as well.

**LEG. COOPER:**

For example ••

**MR. KLEINBERG:**

I don't want to debate the legalities with you. I understand the issue but I think it's •• it's a little unfair to characterize me as being locked in to the Mineola office.

**LEG. COOPER:**

But, Mr. Kleinberg, I mean, I haven't seen your business card, but your business card, I presume that that would list the Nassau address or if you are getting mail, your mail is probably delivered to your Nassau office, not the Melville or the Los Angeles office. So even though you may do some work out of that office, just •• I mean, I do work out of here, but my legislative office is in Huntington clearly. And I reside in Huntington.

So I have nothing against you. You seem well qualified and seem like a very nice person, but I'm concerned about setting this precedent, and I'm sure there must many qualified individuals and I think we have one or two other resolutions before us or that have been filed, Suffolk residents and/or people that work in Suffolk County, and I don't know whether we need to look at a candidate no matter how well qualified that lives in Nassau County and for all intents and purposes works in Nassau County. I'm also concerned that it may just legally pose a conflict as well.

**MS. KNAPP:**

When Mr. Kleinberg first said that he worked out of the Mineola office I did have some certain. However, I would state that when he went on to say that he was a partner and an owner of the firm, clearly, you know •• and this is a decision that this board has to make, whether or not his

connection is too attenuated, but from a strictly legal point of view as a partner and an owner of the firm he could probably claim each of those addresses as his own. But again, it's attenuate.

**LEG. COOPER:**

I don't want to speak for the committee and I wasn't around when the, I don't whether this is part of the County Charter or not, so I wasn't there at the time. But I guess the whole purpose of this was to make sure that if someone is serving on a board for a Suffolk County •• in this case the Vanderbilt Museum, a Suffolk County museum, they have some real ties to Suffolk County. And I don't think it's enough that they be one of the owners of a firm in Suffolk County that they only infrequently even visit.

It would be one thing if he lived here permanently, if his main residence was here. It would be something else if his main place of business was here and that nine days out of ten he showed up for work in Suffolk County, but that's not the case. I mean, he visits here occasionally to maybe sign a deposition or for some secretarial purposes. But clearly he lives in Nassau County and his place of business is in Nassau County, and I don't think that the fact that he is part owner of a firm that has an office in Suffolk is enough to qualify him, and I don't think that was the intent of the Legislature when they drafted the Suffolk County Charter. If not, they would have eliminated •• I mean, then you can have someone who lives in Los Angeles but owns a firm that has an office in New York and yeah, they're in LA 11 months out of the year but they visit the Hamptons two weekends out of the year but that's enough, you know, they can serve on a board. Those ties are too tenuous. If we had no other candidates and we were desperate and we had to fill the position, that might be one thing. But we have two other candidates that I believe are both Suffolk County residents.

**LEG. ALDEN:**

There's no other candidates.

**LEG. CARPENTER:**

There's no other candidates.

**LEG. COOPER:**

There are two other bills.

**LEG. CARPENTER:**

Where?

**LEG. LINDSAY:**

I have another bill that's in the hopper.

**LEG. COOPER:**

I have a bill and Bill has a bill. Maybe •• I thought it would have been before committee already, but maybe it was just •• maybe it's being laid on the table.

**CHAIRMAN SCHNEIDERMAN:**

To put somebody on to the Vanderbilt?

**LEG. COOPER:**

Yes, for the same slot. I wasn't aware of this when I filed mine. Bill wasn't aware of mine when he filed his, but we have three candidates. But I know that mine is a Suffolk resident and works in Suffolk County. I don't know about Bill.

**LEG. LINDSAY:**

(Nodding head affirmatively)

**MR. KLEINBERG:**

In all fairness, Legislator Cooper, if I may. I don't mean to be argumentative with you, but it's really unfair to say that I don't work in Suffolk County. I spend an awful lot of time in the courts of Suffolk County. Riverhead, the federal court in Central Islip is a place where I spend an awful lot of time. We have a large quantity of clients who are based in Suffolk County, two most recently in Southampton. So I just think it's unfair to draw a curtain between Nassau and Suffolk in my case or in general.

Another point I would like to make to you is my son, who is a ten year old year, a year or two ago in third or fourth grade his class made a trip to the Vanderbilt and, you know, they crossed that line without too much difficulty and I was happy to see that he was able to take advantage of a resource in Suffolk County. And I said to myself it would be nice for me to make a contribution back across that line.



**LEG. COOPER:**

Thank you, Mr. Kleinberg.

**CHAIRMAN SCHNEIDERMAN:**

Jon, I think you've made your point. We have a bunch of people who want to speak. Is there more?

**LEG. COOPER:**

I just want to say that I will be making a motion to table since the other committee members were not aware of the other two resolutions. I'd like to hear from the other two candidates, have us all be given the opportunity to hear from all three candidates, the other two of whom are Suffolk residents and do work 100% of the time in Suffolk County. And three weeks won't make a difference. And, Mr. Kleinberg, if you would like to come back ••

**CHAIRMAN SCHNEIDERMAN:**

Well, I'm hoping we can get beyond this residency issue and look at his interest in serving on this museum ••

**LEG. COOPER:**

But that's not ••

**CHAIRMAN SCHNEIDERMAN:**

And his qualifications.

**LEG. COOPER:**

But unfortunately we can't do that, Jay. I mean ••

**CHAIRMAN SCHNEIDERMAN:**

I understand. You're saying that the intent of the provision he doesn't meet. He seems to meet certainly the provision itself and maybe that's something we'll have to debate. I have Legislator Carpenter next on my list and then Legislator Lindsay.

**LEG. CARPENTER:**

Thank you. I have to tell you that I have always been very sort of protective of Suffolk and wanting to see residents of Suffolk, you know, or that be something that we hold as a criteria

for appointing members to the Vanderbilt Museum Board. And here comes the however and the but.

I'm looking at this resume and I'm looking at what this gentleman brings to the table. And I think he's eminently qualified, especially in the area of fund raising. And that is something that we have asked of candidates in the past because that is an area where the Vanderbilt and the board is a little bit light and a little bit weak. They really need to involve more people who have the skill set to get the grants, to get the fund raising kicked•off, to have more events. We have an incredible venue there that sometimes is not utilized to its full potential.

And at a time when so much is being ballyhooed, and rightfully so, by the two County Executive's about doing things in a regional manner and going beyond being just focused on doing our own little thing, that we need to reach out to Nassau County and Mr. Kleinberg's reference to the fact that his son came to the Vanderbilt on a field trip, I would like to see more pulling in of Nassau. And I have been always critical when the appointments to the museum seemed to be in the neighborhood of the museum, that we seem to have a preponderance of members, or did in the past, of people that live in close proximity to the museum. And I think that in order for us to get more people engaged and involved and supportive that we have to reach out beyond just the Town of Huntington, that we need to have membership on the board from the east end, and I know it's difficult given the location of the museum and the fact that the board meetings are held there in Centerport, to get people to come there.

I served as a member of the Vanderbilt Museum Boards of Trustees and I really can see the value to broadening our base. And the fact that this slot that we're being asked to appoint this member to is for an unexpired term that is due to expire in 2006, so we're not putting someone in for, you know, six years which is the normal term or longer, but rather for a limited amount of time. And we do satisfy the letter of the law in that he is not just a clerk working at the firm but is an owner and a partner and they have made that commitment. They do have an office here in Suffolk County and there is precedent for this. We would not be, and I think this is important for Legislator Cooper and everyone to listen to, there is a precedent for this because one of the members of the Vanderbilt Museum Board of Trustees is a Nassau County resident presently. Mr. Rogers, who lives in Oyster Bay Cove.

**LEG. COOPER:**

And where does he work?

**LEG. CARPENTER:**

I don't know where Mr. Rogers works.

**LEG. COOPER:**

Well, then how could he be ••

**LEG. CARPENTER:**

He lives in Nassau County.

**LEG. COOPER:**

But you're allowed to either live in Suffolk or work in Suffolk County.

**LEG. CARPENTER:**

I don't think he ••

**LEG. COOPER:**

And if he doesn't work in Suffolk County then he shouldn't be on the Board.

**LEG. CARPENTER:**

The last I knew, I don't believe that gentleman works.

**LEG. COOPER:**

I did not vote to put him on the board.

**LEG. CARPENTER:**

That gentleman, I think, is retired. But in any event ••

**LEG. COOPER:**

We have to be consistent here.

**LEG. CARPENTER:**

Are we arguing? Are we debating?

**LEG. COOPER:**

I guess we are.

**LEG. CARPENTER:**

I have the floor, you don't. I didn't, you know, cede my time.

**LEG. COOPER:**

I'm sorry.

**LEG. CARPENTER:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Yes, you have the floor.

**LEG. CARPENTER:**

There was mention made that we might be setting a precedent, well, we have already done that so we would not be setting a precedent with this appointment. The involvement in historic preservation is there, which is important for someone to bring to the table as a member of that board. The foundation experience, the business experience •• I think this person is eminently qualified and I think that we should really approve the appointment today. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yes. Mr. Kleinberg, we've never met before and I certainly have a great deal of respect for your law firm. At one point in time wearing another hat, you were •• I was one of your clients. And I know your firm back to Jack English, so it's a long relationship.

Having said that, I'm going to ask the committee along Legislator Cooper's line to go along with the tabling motion on this because I do have another candidate for this position. The opening that is there now, I appointed that trustee and there is some very unusual circumstances surrounding his resignation and I would like an opportunity to fill that spot being that I •• or

recommend someone to fill that spot being that I am the one that nominated the last gentleman.

The person that is in the hopper, her name is Mary Ann Neil, who is the head of a Chamber of Commerce in Suffolk County. She owns her own business. She served on the Suffolk Community College Foundation for probably a dozen years. She is eminently qualified.

Looking at Mr. Kleinberg's resume, I too, have a question about residency. I know that attorneys usually file with the courts what their mailing address is. I'm sure you don't use the Melville address. I'm sure you must use the Mineola address.

**MR. KLEINBERG:**

That's correct.

**LEG. LINDSAY:**

Yeah. And the other area that I question is the resume talks about the firm, the firm, the firm. I believe we require that candidates be involved in civic activities within the County or have some historical background in order to sit on the board and I really don't see that background in the resume. It's a very impressive resume if we were hiring an attorney, but we're not. We're looking for a trustee for the Vanderbilt. And the only thing that I simply ask is that •• is that the committee review the other candidates as well before we make a decision.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter, then Legislator Cooper.

**LEG. CARPENTER:**

To your comments about community involvement, I think his work working with the Cornell Ambassador Network meeting with high school students would certainly qualify for that kind of community outreach. Also working in helping a school child care program. The resume really does speak to that kind of involvement.

And just to clarify the record, Mr. Rogers was appointed in June of 2002. There was one Legislator who abstained, one who was not present. He was supported with 16 votes of this body. So, just to set the record straight because I think it was characterized as something different.

And to Legislator Lindsay, I don't know Mr. Kleinberg, this is the first I'm seeing this resume and listened to his presentation and was very, very impressed. If I had heard your request about tabling earlier, I might be inclined to support the tabling, but I made a commitment to support this candidate. I feel very, very comfortable with it, and it is a short term.

**LEG. LINDSAY:**

When did you get the commitment?

**LEG. CARPENTER:**

To the sponsor of the resolution. And I •• it is a short term. And if there are candidates that are qualified, there will certainly be other opportunities. We've seen a turnover in trustees at the Vanderbilt Museum. But I really do think that we need someone who has that experience that can help in the fund raising. We've heard the presentations on where we are with the endowment. Things are not as good as they should be there financially. And we need to right that ship financially and I think a way that we can really do it is with the fund raising.

So, I'm going to ask you, Mr. Kleinberg, if you're committed, if you are appointed to this position as a trustee, if you're committed to be engaged in helping with events and helping make sure that we do jump start the fund raising at the museum.

**MR. KLEINBERG:**

Absolutely. I think my business skills, organizational skills, responsibility are fully committed to this project. I wouldn't be here today otherwise.

**LEG. CARPENTER:**

And do you feel that you would be willing to give the time to attend the meetings? And I can tell you from your experience that the meetings do go on, you know, they are in the evening and there are times that I didn't get home until one in the morning from a board meeting. Are you willing to really make that time commitment?

**MR. KLEINBERG:**

Absolutely.

**LEG. CARPENTER:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

And on the issue of other vacancies, I believe at the end of this year, in December of this year there are four appointees that their terms are expiring. So within this year there will be another opportunity to fill additional slots.

**LEG. LINDSAY:**

Providing that you're not going to renew somebody that's there.

**CHAIRMAN SCHNEIDERMAN:**

Yes. Okay. Legislator Cooper, you're the last on my list.

**LEG. COOPER:**

I was just trying to do some quick research and I came up with a couple of names so far. And maybe Legislative Counsel has a recollection of this. But John Ford, I believe, was denied an appointment to the Film Commission because he is a Nassau County resident even though he had opened up an office in Suffolk County. What was the •• do you recall that? Am I remembering this wrong?

**MS. KNAPP:**

I believe Mr. Ford was the gentleman who was involved with the union?

**LEG. COOPER:**

Right.

**MS. KNAPP:**

Yes. Clearly he was a Nassau County resident. He indicated that they were establishing a Suffolk County office. Assuming that the Suffolk County office was going to be established, again, what the Code says is that you have to be a resident. As lawyers we very often define the term residence to include office. I think that the question that you're really asking is whether or not any particular individual, you know, has the close enough tie to qualify as resident.

**LEG. COOPER:**

I'm not asking you to put yourself in the head of the Legislators when they drafted the Charter Law, but honestly, would you have envisioned when they wrote this, honest opinion, when they wrote into the Charter Law that you have to either be a Suffolk resident or work in Suffolk County. Do you think that they had in mind someone who lives in Nassau County, his legal work address is Nassau County, and his only ties to Suffolk County are that he occasionally goes to court in Suffolk County or shows up at an office that he partly owns in Suffolk County. You have that wide smile on your face.

**MS. KNAPP:**

I think that, you know ••

**CHAIRMAN SCHNEIDERMAN:**

We're beating this do death. Let Mea respond, if she wishes, to it.

**MS. KNAPP:**

The only thing I can't respond to whether or not •• I mean, the only thing I can respond to is that, you know, he meets the minimal qualification level. I think that the decision then becomes, you know, one of the elected officials.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**LEG. COOPER:**

And this is a question perhaps •• I think it was Legislator Carpenter. I don't know whether you were the one who had made the motion, but I know that you supported the motion to table the resolution that would have appointed Kathleen Giamo to the IDA and I believe the rationale natural was that there was ••

**LEG. CARPENTER:**

I didn't support the tabling.

**LEG. COOPER:**

Well, the committee •• it was over the objections of me and I believe Brian Foley.



**LEG. ALDEN:**

It wasn't tabled.

**LEG. CARPENTER:**

It wasn't tabled. I didn't support the tabling.

**CHAIRMAN SCHNEIDERMAN:**

It wasn't tabled.

**LEG. COOPER:**

No, not this time. The last meeting so that the other appointee would be able to have a chance  
••

**LEG. CARPENTER:**

Because it was live on the record. It was on the agenda. It wasn't something that was in the  
hopper and maybe coming. It was before us. It was a resolution on the agenda. These are not  
•• there's no other resolutions ••

**CHAIRMAN SCHNEIDERMAN:**

All right. Let's call the resolution. This is on 1422. Is there a motion?

**LEG. CARPENTER:**

Yeah, I made a motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

I don't think we did a motion earlier.

**LEG. CARPENTER:**

I'll make that motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Carpenter, second by Legislator Nowick. All in favor? Any opposed?

**LEG. LINDSAY:**

Opposed.

**LEG. COOPER:**

Opposed.

**CHAIRMAN SCHNEIDERMAN:**

Two opposed. Legislator Cooper opposed and Legislator Lindsay opposed.

**(Vote: 4/2/0/0. Opposed: Legislators Cooper and Lindsay)**

**LEG. COOPER:**

For the record, nothing personal.

**MR. KLEINBERG:**

I certainly understood. I would never expect anyone not to express their feelings in an honest and •• and you certainly have been courteous to me.

**LEG. COOPER:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Congratulations. You go before the full Legislature next week.

**MR. KLEINBERG:**

Very well.

**CHAIRMAN SCHNEIDERMAN:**

You don't need to come. You're spared.

**MR. KLEINBERG:**

Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Okay. **Resolution 1429, appointing member, Gena Arcate, to the ATV Park Task Force.**  
Is Ms. Arcate here?

**MS. ARCATE:**

I am.

**CHAIRMAN SCHNEIDERMAN:**

Hi, Gina. If you'll have a seat.

**MS. ARCATE:**

Hi.

**CHAIRMAN SCHNEIDERMAN:**

You're brave enough to go before us after the last candidate.

**MS. ARCATE:**

I'm ready.

**CHAIRMAN SCHNEIDERMAN:**

All right. If you would just introduce yourself, tell us quickly why you are interested in serving. Hopefully this will be easier.

**MS. ARCATE:**

Okay. I'm Gina Arcate. I'm from the Hamptons. I'm a dealer for the ATV's, which is the committee I'd like to get on, the ATV Task Force Committee. I'm also a business owner, a mother, an environmentalist an avid equestrian, and an ATV rider. And I have two children that ride ATV's. And I do have a lot of information that I believe I can help this committee make things run smoother, efficiently. And if you have any questions, I am very happy to answer them.

**CHAIRMAN SCHNEIDERMAN:**

I just want to give Counsel some time, but you're proposed for slot 12, and I don't recall which slot that is for. I just want to make sure that you qualify under whatever that slot 12 was. Do we have any questions for Miss Arcate?

**LEG. COOPER:**

I have a question.

**CHAIRMAN SCHNEIDERMAN:**

Yes. Legislator Cooper.

**LEG. COOPER:**

Hi, Gina. I see that you live in Suffolk County, but where do you work?

**MS. ARCATE:**

Right across the street from where I live in Suffolk County.

**LEG. COOPER:**

Okay. Just checking. Thanks.

**CHAIRMAN SCHNEIDERMAN:**

It's Arcate?

**MS. ARCATE:**

Arcate.

**CHAIRMAN SCHNEIDERMAN:**

Arcate. Sorry for mispronouncing your name. Okay.

**MS. KNAPP:**

This slot is for Nassau Suffolk Horsemen's Association.

**CHAIRMAN SCHNEIDERMAN:**

The slot is for Nassau Suffolk Horsemen's Association?

**MS. ARCATE:**

Yes, it is. Which I'm a member of that organization.

**CHAIRMAN SCHNEIDERMAN:**

Oh, okay. Okay. It seems like you have a lot of cross over experience, too.

**MS. ARCATE:**

Yes, I do, which I'm pretty well rounded and I can fit into any position you want me to fit into. I believe it was the enforcement position.

**CHAIRMAN SCHNEIDERMAN:**

Was the Nassau Suffolk Horsemen's Association •• did they select you or ••

**MS. ARCATE:**

What happened was Cyla Allison recommended that I take her place because she is relocating to another state.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any other questions? All right. I'd like call the vote, then.  
I'm sorry.

**LEG. ALDEN:**

I have one quick question.

**CHAIRMAN SCHNEIDERMAN:**

One quick question. Cameron Alden.

**LEG. ALDEN:**

By that member asking you to take her place, does that constitute an endorsement from the Nassau Suffolk Horsemen's Association?

**MS. ARCATE:**

I would say yes.

**LEG. ALDEN:**

All right.

**MS. ARCATE:**

But you're asking the wrong person.

**CHAIRMAN SCHNEIDERMAN:**

All right. Kevin LaValle.

**LEG. ALDEN:**

We don't need to hear from the peanut gallery.

**MR. LAVALLE:**

All right.

**CHAIRMAN SCHNEIDERMAN:**

All right. I'd like to call the vote on 1429.

**LEG. NOWICK:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Nowick, a second by Legislator Cooper. All in favor? Any opposed? **Approved. (Vote: 6/0/0/0).**

**MS. ARCATE:**

Thank you. Have a very nice day.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. All right. Resolution **1432 Amending Resolution No. 295 • 2005, to provide further identity protection of Suffolk residents.**

I think it's to eliminate the requirement that the list be provided to the County of all the players of little league. This is going to relate to 1432, 1433 and 1434. Mr. Zwirn from the County Executive's Office has asked to be heard on this. Mr. Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Chair. I might add, though, that you may not have an opening on the ATV Commission even though this woman relocating out of state. That doesn't disqualify her from serving on the ATV panel any longer. I couldn't help myself. I'm sorry.

**LEG. ALDEN:**

I think she's resigning.

**MR. ZWIRN:**

But with respect to the these bills, it would not be a good week if I didn't have the chance to have a good natured and good faith debate with my friend and Legislator from the 10th District, Cameron Alden, with respect to these bills that have been proposed. I know they have a number of sponsors. But I know this was an issue that we had talked about when the original bills were filed and ultimately passed by the Legislature with regard to the little leagues.

The concept of protecting identify theft of children, especially, is one that is sensitive to everybody, and the County Executive would support that. But these bills, however well intentioned, do not achieve that. Presently, under the Freedom of Information Act, under a FOIL request, the addresses and names of players, of rosters, would never be released by Suffolk County Parks. If you look at the FOIL form that is available and you read from the reasons that they are •• information would be denied •• it states disclosure would endanger the life or safety of a person or person's. Giving out addresses of individuals who are using County parks, especially children, would be qualified under that exemption, would not ever be released.

What you would, in fact, be doing is really getting rid of the residency requirement for anybody to use the County parks. You could open these parks up to anybody, any residents of any community, because there would be no way to check as to where they came from. All somebody has to do is say that they are all County residents and the Commissioner of Parks would have to say okay. That's fine. We would have no control, liability issues, and the parks could then be opened up to anybody while you have Suffolk County taxpayers paying the freight to maintain our wonderful park system and for the personnel to maintain it. They don't have •• you know, the County Parks Commissioner would know no idea where these particular kids are coming from.

If you go back to 2000 where this contract originated from, and it was the duplicate contract

that was signed by at that time Deputy County Executive Eric Kopp, that language was in there. And the reason that the language was in there under County Executive Gaffney was just so that the Commissioner could have some control over who is using the parks, so that he would be able to see a roster to make sure that the County residents are using County parks. Once you eliminate that, then you eliminate the County Commissioner from having any control over that whatsoever if you pass these bills the way they are at the present time.

**CHAIRMAN SCHNEIDERMAN:**

All right. Legislator Alden has the floor.

**LEG. ALDEN:**

With all due respect, right now the County parks are used by people that are not County residents, so that part of your argument is •• or that part of the County Executive's argument is very, very suspicious to me as far as in use against these types of bills.

However, getting to the exact point that we're looking at right now. I had a couple of discussions with the Commissioner. The Commissioner informs me that he does not want to be required by resolution to approve a roster, and that's what the legislation actually stated in a whereas clause. The rosters had to be submitted to and approved by the Commissioner. That's all that this does. This eliminates the possibility of Suffolk County having rosters that can be FOILED and then used for some other type of thing that could put somebody's life in danger.

It's pretty simple. The Commissioner still has the ability to go, if he suspects that the majority of the people that are using the park or in a league are not of Suffolk County residency, then he can go in there and he can still look at it. But the fact is that Suffolk County, all our parks, even our golf courses, our beaches, are used by people outside of Suffolk County on a daily basis. As we sit here there are residents, non•residents using our parks.

So, all this does and all this was intended to do was to protect the kids and it's not a political thing, it's not some kind of a big thing where I'm intervening with the ability to create contracts and things of that nature. This is a very, very small issue. Let's protect the kids and it's pretty simple.

**MR. ZWIRN:**



If I may respond. One of the problems we had, and why •• if anybody could use the parks, then we wouldn't have had to have the original legislation. Then the Town of East Hampton and Lake Ronkonkoma Little League, they could have gone in and used the parks at will.

The fact is that we have limited resources and limited park facilities in Suffolk County. And these were being specially let now to local little leagues that they could use County facilities. Now what you are saying is if the County Parks Commissioner doesn't have the ability to determine that they're County residents, then anybody, anybody from anywhere could use these parks at the same •• they have the same rights ••

**LEG. ALDEN:**

Sorry to interrupt you, Ben, but that isn't what it says, so thanks for the input, but I'd rather call the vote.

**MR. ZWIRN:**

But without •• how will the Commissioner know that you have County residents.

**LEG. ALDEN:**

He still has the ability.

**MR. ZWIRN:**

How?

**LEG. ALDEN:**

To ask for rosters if he wants to for residency.

**MR. ZWIRN:**

That prohibits him from asking.

**LEG. ALDEN:**

Well, actually it doesn't.

**MR. ZWIRN:**

Read it.

**LEG. ALDEN:**

I wrote it. It's fine. Let's take a vote.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I wanted to comment on this myself, too, but Lynn is leaving so

I want to call the vote before Lynn leaves. Can you wait one second for Legislative Counsel?

**LEG. NOWICK:**

Take the vote.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Let's take the vote.

**LEG. COOPER:**

Can Legislative Counsel just clarify this?

**CHAIRMAN SCHNEIDERMAN:**

Lynne, one second for Mea. I think it's important to have the Legislative Counsel on the issue of the Freedom of Information Act. Mea?

**MS. KNAPP:**

I actually would have to disagree to some extent with what Mr. Zwirn said about that he would be able to protect this on the basis that their lives could be in danger. I think that, you know, no judge would, you know, would simply say it's exempt from Freedom of Information because they're children so their lives could be in danger. That's just not •• I don't think the state of the law as it exists. I mean, if the names and the addresses ••

**MR. ZWIRN:**

You think that giving out the names of children and their addresses would be •• for whatever purpose would •• that's why there's an exemption in the FOIL request.

**CHAIRMAN SCHNEIDERMAN:**

There is a gray area that I think is worthy of eliminating this requirement because of that gray area. We can debate whose right on the legal opinion, but there is no harm in deleting it.

**MR. ZWIRN:**

There is harm. That's the problem.

**CHAIRMAN SCHNEIDERMAN:**

I don't see harm because the Commissioner can still find out on his own request whether the people using the fields are Suffolk County residents.

**MR. ZWIRN:**

That's not what this bill states.

**CHAIRMAN SCHNEIDERMAN:**

All right. I'm going to call the vote.

**LEG. COOPER:**

Mea, could you just address that? Those are the two questions.

**LEG. CARPENTER:**

Can I make a statement or two?

**CHAIRMAN SCHNEIDERMAN:**

I'll take Mea first.

**MS. KNAPP:**

I'm sorry. The two questions being?

**LEG. COOPER:**

Well, the first that was addressed, and the second whether the Commissioner could request the names and addresses of participating youth if he had reason to believe that they may not be Suffolk residents or is he precluded from doing that based on this resolution.

**MS. KNAPP:**

I believe the Commissioner probably asks at least 100 questions a day that this Legislature has not given him authority to ask. So, you know.

**CHAIRMAN SCHNEIDERMAN:**

Specific authority to ask.

**MS. KNAPP:**

Yeah. I mean ••

**LEG. COOPER:**

So this resolution would not prohibit him from being able to ask.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**LEG. COOPER:**

For that information.

**CHAIRMAN SCHNEIDERMAN:**

Or requiring somebody to sign ••

**MS. KNAPP:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

•• that all the players are indeed County residents.

**MS. KNAPP:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

That is within the purview of the Commissioner. Okay. The County Attorney, did you want ••

**MS. CAPUTI:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Please, very briefly.

**MS. CAPUTI:**

I will. There's been an opinion by the Committee on Open Government, who issues FOIL opinions, an exact thing like this with a league with softball players. And it would be exempt under FOIL under the unwarranted invasion of personal privacy. They've ruled on it once before on almost an exact thing. And this resolution says that the leagues are required to maintain •• they left that in. It becomes subject to FOIL, then. It's not determinative who has the record. If the County in a resolution says they have to keep lists, someone could make a FOIL request for it.

**LEG. ALDEN:**

Someone can do anything in America, but are they ever going to get it? No. This eliminates the possibility of us having in our hand and some weirdo getting it and hurting a kid. That's all it does. Don't make a bigger thing out of it than it is.

**CHAIRMAN SCHNEIDERMAN:**

We'll have time to debate this on the floor should this pass as well. I'm going to call the vote on 1432. Is there a motion?

**LEG. ALDEN:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Alden. Second by Legislator Carpenter. All in favor? Any opposed?

**LEG. COOPER:**

I'll abstain.

**LEG. LINDSAY:**

Abstain.

**CHAIRMAN SCHNEIDERMAN:**

Two abstentions, Legislator Lindsay, Legislator Cooper. **(Vote: 4/0/2/1. Abstentions: Legislators Lindsay and Cooper; Not Present: Legislator Nowick)**

**1433, (Amending Resolution No. 296•2005, to further identity protection of Suffolk residents).** Same motion, same second. All in favor? Same vote. **(Vote: 4/0/2/1. Abstentions: Legislators Lindsay and Cooper; Not Present: Legislator Nowick)**

**1434, (Amending Resolution No. 297•2005, to further identity protection of Suffolk residents).** Same motion, same second, same vote.  
**(Vote: 4/0/2/1. Abstentions: Legislators Lindsay and Cooper; Not Present: Legislator Nowick)**

Okay. That concludes our voting agenda. Legislator Nowick has an excused absence for the rest of this meeting. We do have public portion here and I believe we may have the Commissioner, the Parks Commissioner also wants to address us.

I am going to move right into the public portion. Our first speaker, Joanna Ferraro•Levy. Joanna, please, if you can keep your comments to three minutes or less.

**MS. FERRARO•LEVY:**

Okay. Sure. Maybe I'll be better with this microphone. I'm Joanna Ferraro•Levy. I'm the Associate Director of the Westhampton Beach Performing Arts Center and I'm also a member of the Suffolk County Citizens Arts Advisory Board.

By way of background, the Westhampton Beach Performing Arts Center is located on Main Street in the Village of Westhampton Beach in eastern Suffolk County. In May of 1997, a not•for•profit community group calling itself the Westhampton Beach Performing Arts Center purchased a 1932 movie theater on Main Street in Westhampton for \$300,000 with seed funds raised from a broad cross section of area residents and business owners. By July of 1998, the 425 seat historic theater had been completely renovated and restored and transformed into a community based state•of•the•art not•for•profit handicapped accessible performing arts center that presents year•round live arts programming and film.

On behalf of the Westhampton Beach Performing Arts Center, I am speaking today in support of New York State Assemblyman Steve Englebright's reauthorization of the hotel/motel tax legislation with a one time minor adjustment in the distribution of the revenue increasing the percentage that goes to the County's parks and cultural arts organizations to 40%.

As the cornerstone of our community's downtown economic revitalization, the Westhampton Beach Performing Arts Center is a poster child for the impact that fiscally responsible arts organizations in Suffolk County have on the economy, on attracting tourism dollars through the arts, on quality of issues and beyond. We believe that Suffolk County is well served by cultural tourism and an increased investment by way of the hotel/motel tax will only enhance the potential for even greater rewards.

The Westhampton Beach Performing Arts Center applauds Assemblyman Steve Englebright for his sponsorship of this important legislation and respectfully requests your critical support in the reauthorization of this tax as well as the percentage change in allocation of revenue.

Please know that those of us in the world of cultural arts here in Suffolk County are productively engaged in the promotion of cultural tourism every day and even this modest amount of additional funding for parks and cultural programs will reap benefits for our visitors and community members alike.

I would just like to thank you all for your attention and support and give special thanks to Deputy Presiding Officer Angie Carpenter for her help with this matter. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Okay. Our next speaker is Ray Zaccaro. I think he is speaking on a similar topic. You look familiar, Ray. How are you?

**MR. ZACCARRO:**

Hello. Wow, this is weird. I'm used to looking back this way. You guys look much better looking head on, just for the record. I'm here to also speak in support •• did that help anything actually? I'd also like to speak in support of this resolution.

The reallocation of these funds will help cultural programs such as the one that I represent. What comes to mind immediately is the Paumanauk Powwow, which is in its 25th anniversary

this year, takes place in Copiague in \\_Tanner\\_ Park. It's unique because it is one of the only Native American powwow's that actually takes place on a bay, which speaks to the unique nature of Long Island Native Americans. The tourism aspect of our powwow is also an interesting thing to take a look at. People come from all over the country because there is nothing like it anywhere else in the nation. It's an authentic representation of Native American culture and it celebrates the arts.

Groups like the Arts Councils throughout Long Island, throughout Suffolk County, and the other cultural organizations that we support rely heavily on the operational funds that sometimes come from this hotel/motel tax. My belief is that an increase will only help strengthen these groups and in turn help strengthen tourism initiatives throughout Suffolk County.

So, that's my piece. Thank you for your support. And I also would like to thank Legislator Carpenter for her support. She is a wonderful friend of arts and we appreciate that. She doesn't represent the Town of Babylon but she's been so supportive of our initiatives and has referred many people to me and I appreciate that. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Thanks, Ray. We have Beth Levinthal speaking on the same topic here.

**MS. LEVINTHAL:**

Good afternoon. I am Beth Levinthal, Executive Director at the Heckscher Museum of Art in Huntington and also I am Secretary of the Board of the newly founded Long Island Arts Alliance, LIAA, that represents the interest of all the cultural entities on Long Island. And would like to thank the Legislators for giving me this opportunity to speak today as well as recognizing and thanking Deputy Presiding Officer Angie Carpenter for her support of the proposed hotel/motel tax redistribution legislation.

As you're aware, the cultural arts bring over \$200 million each year into the economy of Long Island. Additionally, tens of thousands of children each year receive substantive educational experiences awakening them to their history as well the arts through explorations of authentic objects and experiences. The proposed hotel/motel tax redistribution legislation is a one time corrective measure recommended by Assemblyman Steve Englebright which would alter the current distribution from a 66 percent split to the LICVB and a 33% split to the Parks and



Cultural Affairs Department of Suffolk County to a 60/40 split. And this is, of course, of a three quarters of one percent of the hotel/motel tax revenues that are derived each year.

While the LICVB is a valuable conduit for the global promotion of tourism on Long Island, they don't have a mechanism in place for providing adequate funding to underwrite the important cultural endeavors of the institutions throughout the County. Supporting this legislation will provide through the grants program of the Department of Parks and Cultural Affairs greater access to real dollars for the cultural institutions who can utilize these funds to mount world class exhibitions, concerts, performances, film festivals and the historical venues as well as other year•round cultural activities.

The cultural endeavors and institutions in the County enhance the quality of life for all of our citizens while providing vital attractions that are year•round tourist attractions and provide income that impacts the hotel/motel tax for the County. Your support of this corrective legislation will show you that our County understands what its residents really require as much as understanding what it's cultural resources really will be able to provide for the community. And I thank you very much for the opportunity to speak to you today.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Beth. All right. Sticking to the theme, Pat Snyder, also on the hotel/motel tax.

**MS. SNYDER:**

Good afternoon. I'm Pat Snyder, Executive Director of the East End Arts Council located in Riverhead. And I'm also a member of the Suffolk County Citizens Arts Advisory Board. This is the same topic. Again, I would like to encourage the reauthorization of the hotel/motel tax and would like to thank Angie Carpenter for her support of the reallocation to 40/60 split.

I think it's very important as an Arts Council, speaking as an Arts Council, recognizing the arts as an economic engine to downtown areas. We calculated approximately 75,000 visitors to downtown Riverhead on an annual basis just to the Arts Council itself. So, spread that over an entire community and you can see the value of the arts into a community. But as the year goes by, we work very, very hard to raise these funds to make our programs happen and we certainly need the resources to make that happen. The businesses that are surrounding us thrive, and certainly they should thrive, but a lot of that is due to the work that we're •• we're bringing in the people into the community.

I also want to stress that the arts are the backbone of the tourism industry. And I'd like to site a project that the Arts Council is taking on currently. We're all going to be working with the Long Island Wine Council, the restaurants, the B & B's, the hotels, along with the Long Island Convention and Visitors Bureau in Suffolk County to do a cultural tourism initiative. We have been awarded a \$25,000 grant for this initiative. We're going to be targeting increased tourism during the month of February of 2006. And the fact that we are leading this effort is certainly evidence to the fact that we are capable and fully involved in cultural tourism.

It's a point I want to bring out and hope that you will consider supporting the Home Rule Message in support of Steve Englebright and the reauthorization. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Okay. And on a different subject Bryan Lilly is our last public speaker.

**MR. LILLY:**

First I would like to thank the Legislators for allowing me to speak. My name is Bryan Lilly. I am a 42 year old skateboarder and I own a marine supply company in Port Jefferson. I have lived my entire life in Suffolk County. I first started skating in 1970 and even worked in a skate park that was •• now burned down in Northport in the late 70's. I resumed skating in the late 90's with the resurgent of skate parks that are being built.

The reason I'm speaking to you today is about a proposed skate park at Smith Point Park. I think it is great that the County is proposing a \$250,000 park. One thing that bothers me more than anything else is the waste of public money and I'm concerned that because of poor design that this skate park will become a waste of time and money. Basically, those who make poor designs are not skaters and/or have never skated. Imagine if someone who has never played golf designed a golf course. This is what is happening and the results are poor skate parks.

In my opinion, first the skate parks should be made of concrete simply because it is cheaper and easier to maintain and safer because there are no screw heads to come out and no transitions at the bottom of the ramps. There is also so much more to offer the user than any other type of skate park. For example, the ability to roll from one item over to the next in one flowing motion. This is often called the flow of a park.

Second, the park should have elements for every type of skater. That means the bowls deep enough to challenge the advanced skaters, and a street area for the street skaters. These basic elements are necessary because as kids get better, and they do quickly, they will get bored quickly with smaller half pipes or quarter pipes and move back out on to the streets for more challenging obstacles. So it's very important that advanced elements be part of the skate park. Something that might not seem intuitive now, but it will make complete sense once you've seen the kids skate the park for a year or so. In other words, a bowl that is deep enough for kids to grow into. Now, of course, this is only possible with concrete because wood bowls are not cost effective and especially with our northeast weather.

Third, the park must be designed and built by skateboarders. There are numerous examples of skate parks in our area that were not designed and built by skateboarders that have not lived up to the expectations of the planners. And we discussed that over the phone when I spoke to you last week.

Another •• okay. Many skate parks design companies are exploiting the idea of community input. They prey on the ignorance and fantasy of communities with lines like you tell us what you want and we will make sure you have a flow pattern. Community input is very popular because it is an easy source of pride and provides immediate gratification. Almost never is there enough experience in a community to design a great skate park, but the community input gets the skate park bid almost every time. Don't believe the hype. Modern skate parks cannot be thrown together in a meeting with a pack of crayons. The pride of the individuals involved in the community input is quickly crushed and overcome by disappointment throughout the entire community when the park turns out poorly. The city is left with a vacant facility and skaters are in the same position they were before the skate park, only they can't complain because the city just spent \$200,000 dollars. There is more pride to be had in a lasting and well created skate park.

Another idea being pushed by landscape design, modular skate park companies and playground industry, is the idea of a safe skate park. Like community input, this idea preys at the emotional core of the community. Adults who don't skate but are ••

**CHAIRMAN SCHNEIDERMAN:**

Bryan, you're just going to have to kind of finish your remarks, if you could just summarize.

**MR. LILLY:**

Okay. I'm sorry. The reason I'm here is because the proposed park has been almost pushed through. The Departments of Public Works sent out a bid for a design company and it was won by an architectural firm in Mineola and I sent four companies from the northwest that are premier skate park builders, the names of the company, and they refused to even have them on the design team or listen to their input. They instead went with a company called Spawn Ranch, which is an affiliate of a large playground manufacturer and they have done other projects that you are aware of. I just hope that it doesn't become desolate and not used because that's what I fear is going to happen if this company decides or wins the bid.

**CHAIRMAN SCHNEIDERMAN:**

I have a little bit of experience here, not only having grown up on a skateboard, but also because as Supervisor we built a skate park when I was out in East Hampton. We already had one, one that was concrete, the first one, and one that Spawn Ranch actually built which was more modular. I would actually say the Spawn Ranch one is getting used more than the other, so there is some benefits to being able to change the design. Kids get tired of a particular design and you can change it.

But I'm not involved here with the construction of this particular skate park other than through this capacity. The people who are handling it are in the Parks Department. And maybe I'll ask you to sit, but as the Park Commissioner comes forward I'll ask him a question about why this was chosen, you know, or how this particular contractor ended up getting the bid.

**MR. LILLY:**

I don't know if he has or not.

**CHAIRMAN SCHNEIDERMAN:**

Did you go out and look at the park I talked about or?

**MR. LILLY:**

I have not. And I went on the internet and I pulled it up and the picture was from \\_Stotsky\\_ Park.

**CHAIRMAN SCHNEIDERMAN:**

Because your concrete park we built ••

**MR. LILLY:**

In Montauk, yeah.

**CHAIRMAN SCHNEIDERMAN:**

It has had all kinds of problems with cracks in the wintertime, it's been very hard to maintain. It was too difficult for the beginning kids. The Spawn Ranch park is better for the kids who are just getting started and it provides some challenges to the experienced skaters.

**MR. LILLY:**

I do know •• I do know firsthand the two people that were involved in the Montauk •• Mr. Kessler ••

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**MR. LILLY:**

And John Woodstock.

**CHAIRMAN SCHNEIDERMAN:**

I know Mark.

**MR. LILLY:**

I worked with John Woodstock in 1970.

**CHAIRMAN SCHNEIDERMAN:**

I know Mr. Kessler.

**MR. LILLY:**

And Andy has been a skater since back then and he still is. And he •• in his own opinion he even stated that it was not what he wanted.

**CHAIRMAN SCHNEIDERMAN:**

Well, I can tell you the Spawn Ranch product is a very good product.

**MR. LILLY:**

Yes, it is.

**CHAIRMAN SCHNEIDERMAN:**

It's very, very well made.

**MR. LILLY:**

But it is more of temporary •• it's more for an event. A ramp, a modular ramp like that is not as smooth as a concrete park or I should say a well designed and well constructed park. I mean, Spawn Ranches products, there's nothing to fault except that •• inherent in the design.

**CHAIRMAN SCHNEIDERMAN:**

Well, maybe we could hear •• I'll ask you to sit and, you know, when the Commissioner comes up, and we also have the Commissioner of Economic Development •• I'm not sure, Jim, is there something particular that you want to address the Park Committee on or?

**MR. MORGO:**

Only if you wanted to hear about the redistribution of the hotel/motel tax, where it is. But if you know where it is and everything then I don't need to.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Let's hear from the Park's Commissioner first, and then if •• are there questions for Mr. Morgo on the hotel tax so he doesn't have to stay? All right. I think we're okay on that. Thank you, though, Jim, for your time. Thank you, Carolyn, as well. All right.

Commissioner Foley. If you'll sit down, Bryan, and we'll take Commissioner Foley. And there might be some other questions other than the skate park that comes up. Commissioner Foley, thank you. How are you today?

**COMMISSIONER FOLEY:**

I'm fine. How are you?

**CHAIRMAN SCHNEIDERMAN:**

Good. Maybe we can start with the last comments regarding the construction of the skateboard park at Smith Point. I'm not even sure where we are in that process. If you could tell us that and how the contractor was chosen.

**COMMISSIONER FOLEY:**

The progress that Mr. Lilly described is pretty accurate. DPW, at our request based on the resolution you approved appropriating \$250,000 went out for •• with an RFP for a firm to, a general firm, to design the skate park and gave them a list of a number of companies who expressed interest in assisting with the design. And I'm not sure of the firm that they chose for the general, but they did choose Spawn Ranch as their teammate in the design of this park. We're committed to, in fact, later this week a meeting with DPW to talk about the progress of this project and then we're going to schedule the public meeting to get the input from the public.

I think you got a sense here of how difficult it is to design something that serves everyone's needs. Are we designing and installing a park for very accomplished skateboarders or beginners or somewhere in the between or something for everyone. We have got to work that out yet. So the process is very •• in it's very early stages. The outcome is subject to a lot of influences. We'll try to listen to everybody and come up with the best compromise we can if that's possible.

**CHAIRMAN SCHNEIDERMAN:**

But •• now Spawn Ranch has been chosen? They will build it? It that ••

**COMMISSIONER FOLEY:**

Spawn Ranch was chosen by the contractor that won the project from DPW.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And is it going on concrete or is asphalt •• do you know?

**COMMISSIONER FOLEY:**

It's going on the northeast corner of the parking field at Smith Point near the tollbooths.

**CHAIRMAN SCHNEIDERMAN:**

Which is what, asphalt?

**COMMISSIONER FOLEY:**

It's asphalt. It may have a concrete base. I'm not sure what's under it.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, you may want to look into that because I know that some skate parks have put these ramps on to asphalt and they sink in and they cause all kinds of problems. It's probably best to have it on concrete but I have seen concrete parks where the expansion joints have become real problems as well, you know, the wheels get caught in the expansion joint. So, you can wrestle with that.

Legislator Carpenter has questions, I think, on a different issue and has to go.

**LEG. CARPENTER:**

Yeah. And I apologize. I am going to have to leave. I have a one o'clock meeting scheduled in my office.

I just wanted to ask you, I know on the issue of the Trap and Skeet Range that there was a meeting with some of the users that took place a couple of weeks ago. Where are we at with the whole ••

**COMMISSIONER FOLEY:**

Well, probably a month ago we met with some very interested people who are a condensed group of users, and we're kind of loosely calling them our advisers, just to bounce a bunch of ideas off them before we issue the RFP for an operator, which we have now done and those proposals ••

**LEG. CARPENTER:**

You have?

**COMMISSIONER FOLEY:**

We have issued the RFP for an operator. Those proposals are due back before the end of the month. And that was really •• that meeting was really just to fine tune points in the RFP



process. And we have got probably five or six interested parties who have picked up the RFP and the draft contract, have toured the facility, and we'll know when we know who comes in with a proposal.

**LEG. CARPENTER:**

When are the bids due?

**COMMISSIONER FOLEY:**

I'm not sure of the exact date. It's before the end of the month. I can get that for you.

**LEG. CARPENTER:**

Okay. Thank you.

**COMMISSIONER FOLEY:**

You're welcome.

**CHAIRMAN SCHNEIDERMAN:**

So grab your skateboard and you can go. It's going to leave just me here, but I still have questions, so if you'll bear with me.

**COMMISSIONER FOLEY:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

I understand that you attended a meeting out in Montauk I think it have been, about the communications tower, the GATR facility ••

**COMMISSIONER FOLEY:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

If you can update me.

**COMMISSIONER FOLEY:**

Well ••

**CHAIRMAN SCHNEIDERMAN:**

Representing the committee here.

**COMMISSIONER FOLEY:**

As time has passed •• well, you know, originally we had that written request from the town to do something to help them solve their emergency services communications problems. Then we heard that another tower was going to be built out there that might help solve it. We kind of went on with that, things drifted for a while. Now it's apparent that whatever this new installation is, it will not solve the emergency services or some of the cell communication gaps that have caused a response time problem around Montauk Harbor and somewhat around the point.

So, the fire district will be requesting that we somehow give them temporary rights to a piece of property at the GATR site for solving this problem. I don't know if it will one tower, two towers or three. Hopefully they'll specify that in their request. Then we'll work with the County Attorney and figure out how we make that happen.

**CHAIRMAN SCHNEIDERMAN:**

And then they would then build the •• they would build the tower, then, the fire district.

**COMMISSIONER FOLEY:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We would have some oversight as to what would go there.

**COMMISSIONER FOLEY:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Because aesthetics, there's definitely a concern ••

**COMMISSIONER FOLEY:**

It is.

**CHAIRMAN SCHNEIDERMAN:**

But so is the emergency services, so I think we can •• we can certainly do both. Will that interfere in any way with the conversion of those buildings as what we heard at the last committee about •• towards a maintenance facility for the Third House.

**COMMISSIONER FOLEY:**

We'll just have to make sure it doesn't. I think there's enough room there to accommodate their interest and ours.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I believe I had •• where was it, maybe it was at CEQ that I saw you and we •• I had first learned that there were delays in the reconstruction of the roof for Third House and I just wanted to, for the record, because we had had a conversation and things were back on track. I just wanted to •• if you could speak to that, where we are with going out to bid and the construction beginning for that roof.

**COMMISSIONER FOLEY:**

Where I believe we are is DPW is, again, going through its process for reviewing the design and specifications that were submitted by the architect. They had some problems with those. One way or another they say those will be resolved and they'll go out to bid before the end of May, which will put it on a track for construction starting in the fall of '05. And so that's •• compresses the proposal and bid schedule but gets us on the same time frame we'd been on before.

**CHAIRMAN SCHNEIDERMAN:**

September or October, do you know?

**COMMISSIONER FOLEY:**

I don't know specifically. I'll don't recall.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden also has ••

**LEG. ALDEN:**

You're aware that I have a resolution in that would transfer that funding over to my district, aren't you?

**CHAIRMAN SCHNEIDERMAN:**

Good luck. I can see Commissioner Foley had notes on this. He knew I was going to ask because I always do. Very protective of Third House. It's a very important building.

**COMMISSIONER FOLEY:**

It is. And we will get to it.

**CHAIRMAN SCHNEIDERMAN:**

All right. Good. I just hate to see it raining inside that building.

**COMMISSIONER FOLEY:**

I know. And unfortunately it's not the only one we have rain inside.

**CHAIRMAN SCHNEIDERMAN:**

Yeah. Okay. Any other questions for the Commissioner?

**LEG. ALDEN:**

I think I'm done.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you, Commissioner. Is there anyone else? In which case I'll make a motion to adjourn. We are adjourned.

**(THE MEETING CONCLUDED AT 11:58 AM)**

**\\_DENOTES SPELLED PHONETICALLY\\_**